

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1112
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.52, to read:

4 9-500.52. Fire protection systems; inspections

5 INSPECTIONS OF SMOKE DAMPERS AND FIRE DAMPERS WITHIN A FIRE
6 PROTECTION SYSTEM CARRIED OUT PURSUANT TO A BUILDING CODE OR FIRE CODE THAT
7 IS ADOPTED BY A CITY OR TOWN SHALL BE PERFORMED IN ACCORDANCE WITH THE
8 STANDARDS ESTABLISHED BY A NATIONALLY RECOGNIZED STANDARDS DEVELOPING
9 ORGANIZATION.

10 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to
11 read:

12 11-861. Adoption of codes by reference; limitations; method of
13 adoption; fire sprinklers; fire apparatus access
14 roads or approved routes; intent; state preemption;
15 fire watch requirements; pool barrier gates;
16 refrigerants; fire protection systems

17 A. In any county that has adopted zoning pursuant to this chapter,
18 the board of supervisors may adopt and enforce, for the unincorporated
19 areas of the county so zoned, a building code and other related codes to
20 regulate the quality, type of material and workmanship of all aspects of
21 construction of buildings or structures, except that the board may
22 authorize that areas zoned rural or unclassified may be exempt from the
23 provisions of the code adopted. The codes may be adopted by reference
24 after notice and hearings before the county planning and zoning commission

1 and board of supervisors as provided in this chapter for amendments to the
2 zoning ordinance of the county.

3 B. The board of supervisors may adopt a fire prevention code in the
4 unincorporated areas of the county in which a fire district has not adopted
5 a nationally recognized fire code pursuant to section 48-805. Any fire
6 code adopted by a board of supervisors pursuant to this subsection shall
7 remain in effect until a fire district is established and adopts a code
8 applicable within the boundaries of the district.

9 C. For the purposes of this article, codes authorized by subsections
10 A and B of this section shall be limited to the following:

11 1. Any building, electrical, plumbing or mechanical code that has
12 been adopted by any national organization or association that is organized
13 and conducted for the purpose of developing codes or that has been adopted
14 by the largest city in that county. If the board of supervisors adopts a
15 city code, it shall adopt, within ninety days after receiving a written
16 notification of a change to the city code, the same change or shall
17 terminate the adopted city code.

18 2. Any fire prevention code that has been adopted by a national
19 organization or association organized or conducted for the purpose of
20 developing fire prevention codes and that is as stringent as the state fire
21 code adopted pursuant to section 37-1383.

22 D. The board of supervisors may adopt a current wildland-urban
23 interface code. The code may be adapted from a model code adopted by a
24 national or international organization or association for mitigating the
25 hazard to life and property. The board must follow written public
26 procedures in developing and adopting the code and any revisions to the
27 code to provide effective, early and continuous public participation
28 through:

29 1. The broad dissemination and publicity of the proposed code and
30 any revisions to the code.

31 2. The opportunity for submission and consideration of written
32 public comments.

1 3. Open discussions, communications programs and information
2 services.

3 4. Consultation with federal agencies and state and local officials.

4 E. The board of supervisors shall not adopt a code or ordinance or
5 part of a uniform code or ordinance that prohibits a person or entity from
6 choosing to install or equip or not install or equip fire sprinklers in a
7 single-family detached residence or any residential building that contains
8 not more than two dwelling units. The board of supervisors shall not
9 impose any fine, penalty or other requirement on any person or entity for
10 choosing to install or equip or not install or equip fire sprinklers in
11 such a residence. This subsection does not apply to any code or ordinance
12 that requires fire sprinklers in a residence and that was adopted before
13 December 31, 2009. The provisions of this subsection shall be included on
14 all fire sprinkler permit applications that are for a single-family
15 detached residence or any residential building that contains not more than
16 two dwelling units.

17 F. A fire sprinkler permit application may be in either print or
18 electronic format.

19 G. A board of supervisors may not adopt any, or part of any, fire
20 code, ordinance, stipulation or other legal requirement for an approved
21 fire apparatus access road or a fire apparatus access road extension, or
22 both, or an approved route or a route extension, or both, that directly or
23 indirectly requires a one or two family residence or a utility or
24 miscellaneous accessory building or structure to install fire sprinklers.
25 A fire code official may increase or extend an approved fire apparatus
26 access road or a fire apparatus access road extension, or both, or an
27 approved route or a route extension, or both, to comply with this
28 subsection. Compliance with this subsection is not grounds to deny or
29 suspend a license or permit. This subsection may be enforced in a private
30 civil action and relief, including an injunction, may be awarded against a
31 county. The court shall award reasonable attorney fees, damages, lost
32 opportunity costs, interest and the cost of the sprinkler system to a party
33 that prevails in an action against a county for a violation of this

1 subsection. The legislature finds and determines that property rights are
2 a matter of statewide concern and a fundamental element of freedom. A
3 property owner's right to use the property owner's property must be
4 protected from unreasonable abridgment by county regulation and
5 enforcement. This subsection supersedes and preempts any regulation
6 adopted by a county regarding an approved fire apparatus access road, fire
7 apparatus access road extension, approved route or route extension. For
8 the purposes of this subsection:

9 1. "Fire code" includes the international fire code, however
10 denominated.

11 2. "Utility or miscellaneous accessory building or structure"
12 includes an agricultural building, aircraft hangar, accessory to a
13 residence, barn, carport, fence that is more than six feet high, grain
14 silo, greenhouse, livestock shelter, private garage, retaining wall, shed,
15 stable, tank or tower.

16 H. If a fire code adopted by a board of supervisors requires the use
17 of a fire watch, an employee who works at the building in which a fire
18 watch is required may serve as the fire watch. A person who is designated
19 as a fire watch shall be equipped with means to contact the local fire
20 department, and the person's only duty while keeping watch for fires shall
21 be to perform constant patrols of the protected premises. The county shall
22 provide the fire watch with printed instructions from the office of the
23 state fire marshal and may provide a free training session before the
24 person's deployment as the fire watch begins. For the purposes of this
25 subsection, "fire watch" means a person who is stationed in a building or
26 in a place relative to a building to observe the building and its openings
27 when the fire protection system for the building is temporarily
28 nonoperational or absent.

29 I. From and after December 31, 2014, a code or ordinance or part of
30 a uniform code or ordinance that is adopted by the board of supervisors
31 applies to locking devices for pool barrier gates used for means of ingress
32 or egress for semipublic swimming pools. Any new construction or major
33 renovation of a semipublic swimming pool from and after December 31, 2014

1 must meet the requirements of the code or ordinance or part of the uniform
2 code or ordinance that is adopted by the board of supervisors. This
3 subsection does not apply to a locking device for a pool barrier gate used
4 for means of ingress or egress for a semipublic swimming pool that was
5 installed before January 1, 2015, if the locking device meets the
6 requirements prescribed in section 36-1681, subsection B, paragraph 3.

7 J. Any code, ordinance or general or specific plan provision or part
8 of a code, ordinance or general or specific plan provision adopted by a
9 county may not prohibit the use of refrigerants that are listed as
10 acceptable pursuant to the clean air act (69 Stat. 322; 42 United States
11 Code section 7671k) if the equipment used is listed and installed in
12 accordance with the use conditions prescribed in the clean air act.

13 K. INSPECTIONS OF SMOKE DAMPERS AND FIRE DAMPERS WITHIN A FIRE
14 PROTECTION SYSTEM CARRIED OUT PURSUANT TO A BUILDING CODE OR FIRE CODE THAT
15 IS ADOPTED BY A COUNTY SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARDS
16 ESTABLISHED BY A NATIONALLY RECOGNIZED STANDARDS DEVELOPING ORGANIZATION.

17 Sec. 3. Fire protection systems; inspections; enforcement date

18 On or before January 1, 2026, each city, town or county that has
19 adopted a fire code shall adopt a regulation to enforce the requirements of
20 section 9-500.52, Arizona Revised Statutes, as added by this act, and
21 section 11-861, subsection K, Arizona Revised Statutes, as added by this
22 act."

23 Amend title to conform

And, as so amended, it do pass

QUANG H. NGUYEN
CHAIRMAN

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